



ZONING ADMINISTRATOR
NOTICE OF DECISION

Date: October 22, 2013
Applicant: SATO Investment, LLC
Case No.: PCC-13-037
Address: 1675 Brandywine Avenue, Unit A & D
Project Planner: Caroline Young

Notice is hereby given that on October 22, 2013, the Zoning Administrator considered Conditional Use Permit (CUP) application PCC-13-037, filed by SATO Investment, LLC ("Applicant"), at 1675 Brandywine Avenue, Unit A & D ("Project Site"). The Applicant requests a CUP to allow a commercially operated recreational facility, "Jump Around Now", an indoor trampoline facility. The Project Site is zoned Limited Industrial (ILP) Zone, and has a General Plan designation of Limited Industrial (IL). The Project is more specifically described as follows:

The Applicant requests approval of a Conditional Use Permit to operate the "Jump Around Now" a children's indoor trampoline park with associated party rooms, snack bar, billiards, and offices within an existing building ("Project"). The business will be located in a multi-tenant industrial building, with shared parking spaces. Pursuant to Chula Vista Municipal Code Section 19.44.040(0) and 19.54.020(J)(8), commercially operated recreation centers, are permitted uses upon approval of a Conditional Use Permit.

The Planning Staff has reviewed the proposed project for compliance with the California Environmental Quality Act and has determined that the project qualifies for a Class 1 (Existing Facilities) categorical exemption pursuant to Section 15301 of the State CEQA Guidelines. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Section 19.14.030.A of the Chula Vista Municipal Code has been able to make the conditional use permit findings as required by CVMC Section 19.14.080:

- 1. That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or community.**

The proposed indoor trampoline facility will provide necessary and desirable recreational services for the community at this location. The proposed use will provide this type of facility for this area where no other similar facility is available.

Thus, this facility and the services it provides will contribute to the general well being of the neighborhood and the community.

- 2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The proposed use will not be detrimental to the health, safety or general welfare of the residents or workers nor to property or improvements in the area. The characteristics of the proposed use and its operation do not have features that could have detrimental effects. The use will be subject to meeting all health, safety and general welfare standards and regulations set forth by the City of Chula Vista. The proposed use will be in a completely enclosed existing building and not adjacent to residential properties. Noise from children will be contained inside the building and no outdoor activities will be permitted at any time.

- 3. That the use will comply with the regulations and conditions specified in the code for such use.**

The granting of this Conditional Use Permit is conditioned to require the Applicant and Property Owner to fulfill its conditions of approval and to comply with all applicable regulations and standards specified in the Municipal Code, and the California Building, Fire and other applicable codes, for such use. These conditions will be enforced through building plan review, inspections prior to occupancy of the use and subsequent operation of the business. Furthermore, the conditions of this permit are approximately in proportion to the nature and extent of the impact created by the project in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the project. The project will comply with all regulations and conditions specified in the Zoning Code for uses established under PCC-13-037.

- 4. That the granting of the Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.**

The General Plan designates the site as Limited Industrial. This finding is met because the operation of the Project, as approved by a Conditional Use Permit pursuant to the Chula Vista Municipal Code, is consistent with Limited Industrial (ILP) permitted land uses. This is a temporary use limited to seven (7) years with a possible renewal, thereafter, pending current occupancy rates of industrial land in Chula Vista. The temporary use will not affect the potential long term use for the site as an industrial use. Thus, the proposed project is consistent with the Limited Industrial (IL) General Plan land use designation and will not adversely affect implementation of the General Plan.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-13-037 as described above subject to the following conditions of approval:

I. Prior to the approval by the City of Chula Vista for the use of the subject property in reliance upon this approval, the Applicant shall satisfy the following requirement:

Planning Division

1. Prior to the approval by the City of Chula Vista for the use the subject property in reliance on this approval, the Applicant/Representative and Property Owner shall execute this document by making a true copy of this letter of conditional approval and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 Days of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval.

Signature of Applicant/Authorized Representative

Date

Signature of Property Owner

Date

2. Any future promotional events that require the installation of temporary flags, balloons, signs, etc. shall be permitted through a Promotional Event Permit that allows for these items to be installed for up to 24 days in a calendar year.

Fire Department

3. Prior to occupancy, the Applicant shall provide a Knox Vault at the main entrance to the building.
4. Prior to occupancy, the building(s) shall be addressed in accordance with the following criteria:
 - 0 – 50ft from the building to the face of the curb = 6-inches in height with a 1-inch stroke
 - 51 – 150ft from the building to the face of the curb = 10-inches in height with a 1 ½ -inch stroke

- 151ft from the building to the face of the curb = 16-inches in height with a 2-inch stroke
5. Deferred submittal will be required for any modifications to the fire sprinkler or alarm system. Plans shall be submitted to the Fire Department for approval prior to any modifications to the system. In addition to any interior improvements that require modifications to the sprinkler system, all fire sprinkler heads in the occupied space shall be changed out to the quick response type, as the proposed use is Light Hazard.
 6. Prior to occupancy, the Applicant may be required to install a manual fire alarm system depending on the occupant load for this project.

Land Development

7. The following fees will be required based on the final building plans submitted. The fees will be charged for the delta between the industrial and commercial use. Half of the PFDIF fees, \$7,690.00, shall be paid prior to the approval of the building permit. The remaining balance of \$7,690.00 shall be paid upon the renewal of the Conditional Use Permit in 2020 per the Development Services Director.
 - ☐ Sewer Connection and Capacity Fees
 - ☐ Public Facilities Development Impact Fees (PFDIF)
 - ☐ Otay Valley Road Repayment District Fees
8. Prior to the approval of the building permit, the owner/applicant shall submit duplicate copies of all commercial, industrial or multifamily Projects in digital format, such as (DXF) graphic file, on a CD or through e-mail based on California State Plane Coordinate System (NAD 83, Zone 6) in accordance with the City's Guidelines for Digital Submittal. DXF file shall include a utility plan showing any and all proposed sewer or storm drain on site.
9. Prior to the building permit approval, relocate the ADA parking to be near the front door and upgrade the ADA access to the current City standards.

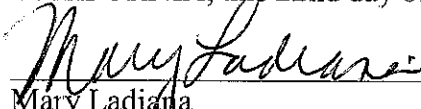
II. The following on-going conditions shall apply to the Project as long as it relies upon this approval.

1. The Applicant shall maintain the Project in accordance with the approved plans for PCC-13-037, approved on October 22, 2013, which includes a site plan and floor plan on file in the Planning Division, the conditions contained herein, and Title 19.

2. Approval of this Project shall not waive the Applicant's responsibility to comply with all sections of Title 19 of the CVMC, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.
3. Hours of operation for the facility shall be limited to Monday through Thursday from 12:00 p.m. - 10:00 p.m., Friday through Sunday from 10:00 a.m.-12:00 a.m.
4. The Applicant shall execute this Conditional Use Permit as the authorized use only. Any new use or modification/expansion of uses shall be subject to the review and approval of the Zoning Administrator.
5. The Applicant/Representative and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated below. The Applicant/Representative and Property Owner's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant/Operator's successors and assigns.
6. Any violations of the terms and conditions of this permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit.
7. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.
8. This permit shall expire seven (7) years after the date of its approval by the Zoning Administrator. The applicant may request an extension from the Zoning Administrator. The Zoning Administrator shall review this conditional use permit for compliance with the conditions of approval and the current occupancy rates of industrial lands in Chula Vista, and shall determine, in consultation with the

applicant, whether the project shall be extended or modified from its original approval.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 22nd day of October 2013.

A handwritten signature in cursive script, appearing to read "Mary Ladiana", is written over a horizontal line.

Mary Ladiana
Zoning Administrator